



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT

PLANNING DEPARTMENT HEARING

Promoting the wise use of land
Helping build great communities

MEETING DATE November 4, 2005	CONTACT/PHONE Murry Wilson (805) 788-2352	APPLICANT Thomas and Imogene Healy	FILE NO. COAL 05-0136 SUB2004-00357
SUBJECT Request by Thomas and Imogene Healy / Lance Jubelt / David and Lori Angello for a Lot Line Adjustment to adjust the lot lines between three parcels, two 5,000 square foot parcels and one parcel of 12,000 square feet. The adjustment will result in three parcels, two 8,000 square foot parcels and one 6,000 square foot parcel. The project will not result in the creation of any additional parcels. The proposed project is within the Commercial Service land use category and is located 2050 21 st Street, 2021 & 2045 Nipomo Street in the community of Oceano. The site is in the San Luis Bay planning area.			
RECOMMENDED ACTION Approve Lot Line Adjustment COAL 05-0136 (SUB2004-00357) based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION A Class 5 Categorical Exemption (pursuant to CEQA guidelines section 15305) is proposed for this project (ED05-141).			
LAND USE CATEGORY Commercial Service	COMBINING DESIGNATION Airport Review Area, Flood Hazard	ASSESSOR PARCEL NUMBER 062-115-029,030,031	SUPERVISOR DISTRICT(S) 4
PLANNING AREA STANDARDS: None Applicable			
LAND USE ORDINANCE STANDARDS: Subdivision Design Standards (Commercial), Nonconforming Uses of Land			
EXISTING USES: Non-conforming residence and accessory structure			
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Commercial Service / Retail Sales <i>South:</i> Commercial Service / Residence <i>East:</i> Commercial Service / Residence <i>West:</i> Commercial Service / Residence			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242			

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Environmental Health, Oceano CSD, CalTrans, Oceano / Halcyon Advisory, Airport Land Use Committee and Bill Robison (community liaison)	
TOPOGRAPHY: Flat to gently sloping	VEGETATION: grasses
PROPOSED SERVICES: Water supply: Community system Sewage Disposal: Community system Fire Protection: Oceano Fire	ACCEPTANCE DATE: October 5, 2005

ORDINANCE COMPLIANCE:

The applicant is proposing to adjust the lot lines between three legal parcels as follows:

EXISTING LOT SIZES (sq. feet)	ADJUSTED PARCEL SIZES (sq. feet)
Parcel A – 5,000 sq. feet	8,000 sq. feet
Parcel B – 5,000 sq. feet	8,000 sq. feet
Parcel C – 12,000 sq. feet	6,000 sq. feet

Section 21.02.030 of the Real Property Division Ordinance states that a lot line adjustment shall not be approved or conditionally approved unless the new parcels resulting from the adjustment will maintain a position which is better than, or equal to, the existing situation relative to the county's zoning and building ordinances.

The adjustment will result in the reconfiguration of the three parcels to allow for an increase in the parcel sizes of proposed Parcels A and B by 3,000 square feet for a total of 8,000 square feet to allow for the parcels to be developed with allowed commercial uses. The adjustment will also create a more practical layout for proposed Parcel C as the western portion of this lot is not currently usable because access to the rear of the lot is restricted by the layout of the existing structure on the site.

SB 497

As of January 1, 2002, lot line adjustments are limited to four or fewer existing adjoining parcels. In addition, the new parcels must comply not only with zoning and building regulations, but also with the general plan and any applicable coastal plan. The County's local ordinance allows a determination to be made that the proposed situation is equal to or better than the existing situation. Because the parcels as adjusted are consistent with the minimum parcel sizes as set forth in the General Plan and are more equal in size, staff has concluded that the adjustment is consistent with both state and local law.

Nonconforming Use of Land

Nonconforming uses include those uses that were lawfully established before the effective date of this title (Title 22 LUO), or amendment to this title that caused the use to become nonconforming. All existing nonconforming uses and structures will be required to be removed or brought into conformity with the applicable provisions of this title.

Commercial Subdivision Design Standards

The minimum parcels size for a commercial property with community sewer and water is 6,000 square feet. The project is proposing the creation of two 8,000 sq. foot lots and one 6,000 sq. foot lot. This lot line adjustment will bring two nonconforming lots into conformance with the minimum lot size requirements for Commercial Service zoned properties.

COMMUNITY ADVISORY GROUP COMMENTS: Recommend approval

AGENCY REVIEW:

Public Works - No conditions

Environmental Health – No comments

ALUC – Since no new parcels are created the ALUC has no concerns related to the project

Oceano CSD – No comments

Cal Trans – No comment

LEGAL LOT STATUS:

Two lots (Parcel A and B) were legally created by a recorded map at a time when that was a legal method of creating lots. Parcel C was legalized by means of the certificate of compliance process (APV.C05-097 Lot 1).

Staff report prepared by Murry Wilson and reviewed by Kami Griffin.

FINDINGS - EXHIBIT A

Lot Line Adjustment

- A. The proposed Lot Line Adjustment is consistent with the provisions of Section 21.02.030 of the Real Property Division Ordinance because the adjustment will conform to the County's General Plan and zoning and building ordinances. The adjustment will be equal to or better than such position prior to approval of the lot line adjustment, because the parcels as adjusted will meet the minimum parcel size in the Commercial Service land use category and the parcels will be more equal in size.
- B. The proposal will have no adverse effect on adjoining properties, roadways, public improvements, or utilities.
- C. Compliance with the attached conditions will bring the proposed adjustment into conformance with the Subdivision Map Act and Section 21.02.030 of the Real Property Division Ordinance.

CEQA Exemption

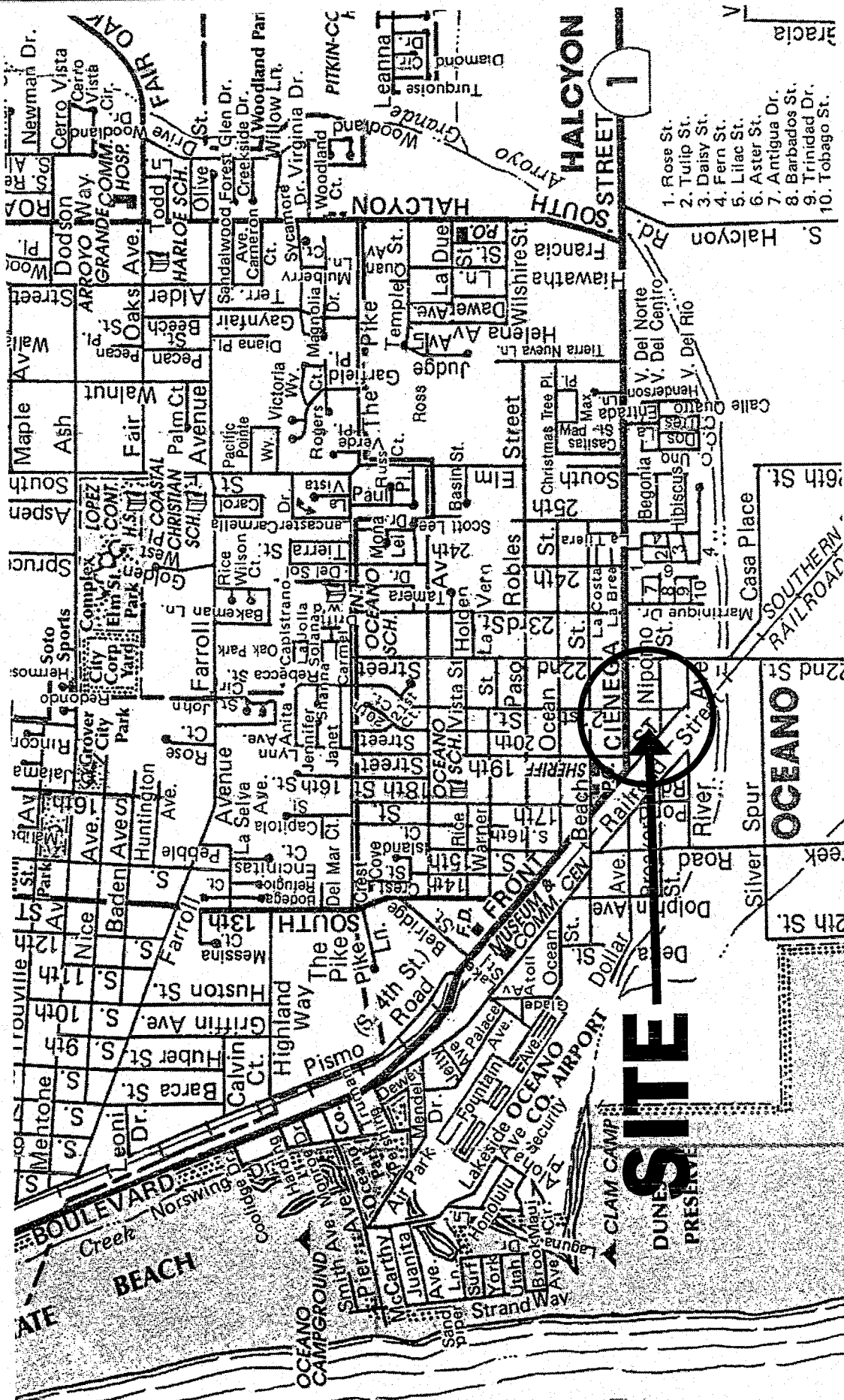
- D. The project qualifies for a Categorical Exemption (Class 5) pursuant to CEQA Guidelines Section 15305 because the project is a minor lot line adjustment the does not result in any changes to land use density, the site is located on slopes less than 20 percent and does not contain significant fish or wildlife habitat.

CONDITIONS - EXHIBIT B

1. This adjustment may be effectuated by recordation of a parcel map or recordation of certificates of compliance. If a map is filed, it shall show:
 - a. All public utility easements.
 - b. All approved street names.
2. Any private easements described in the title reports must be shown on the map, with recording data.
3. When the map is submitted for checking, or when the certificate of compliance is filed for review, provide a preliminary title reports to the County Engineer or the Planning Director for review.
4. All conditions of approval herein specified are to be complied with prior to the recordation of the map or certificates of compliance which effectuate the adjustment. Recordation of a map is at the option of the applicant. However, if a map is not filed, recordation of a certificate of compliance is mandatory.
5. The map or certificates of compliance shall be filed with the County Recorder prior to transfer of the adjusted portions of the property or the conveyance of the new parcels.
6. In order to consummate the adjustment of the lot lines to the new configuration when there is multiple ownerships involved, it is required that the parties involved quitclaim their interest in one another new parcels. Any deeds of trust involving the parcels must also be adjusted by recording new trust deeds concurrently with the map or certificates of compliance.
7. If the lot line adjustment is finalized using certificates of compliance, prior to final approval the applicant shall prepay all current and delinquent real property taxes and assessments collected as real property taxes when due prior to final approval.
8. The residence on proposed Parcel C and the accessory structure on Parcel A shall be removed or brought into conformance with the Land Use Ordinance prior to the recordation of the map or certificates of compliance which effectuate the adjustment.
9. Prior to recordation of a final map or certificate of compliance for Parcel B, the applicant shall remove the cargo container from the property or it shall be affectively screened from public views as required by Title 19 Section 19.20.014 and per Title 22 LUO Section 22.10.080.C.

10. Prior to recordation of the final map or certificate of compliance for Parcel A, B and C the applicant shall grant an avigation easement to the County and shall provide evidence of compliance with Federal Aviation Regulation part 77, "Objects Effecting Navigable Airspace" including filing of FAA Form 7460-1, "Notice of Proposed Construction or Alteration" as instructed by the FAA.
11. The lot line adjustment will expire two years (24 months) from the date of the approval, unless the map or certificates of compliance effectuating the adjustment is recorded first. Adjustments may be granted a single one year extension of time. The applicant must submit a written request with appropriate fees to the Planning Department prior to the expiration date.
12. All timeframes on completion of lot line adjustments are measured from the date the Review Authority approves the lot line adjustment map, not from any date of possible reconsideration action.

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT

Lot Line Adjustment

Healy SUB2004-00357 COAL 05-0136

EXHIBIT

Oceano Vicinity

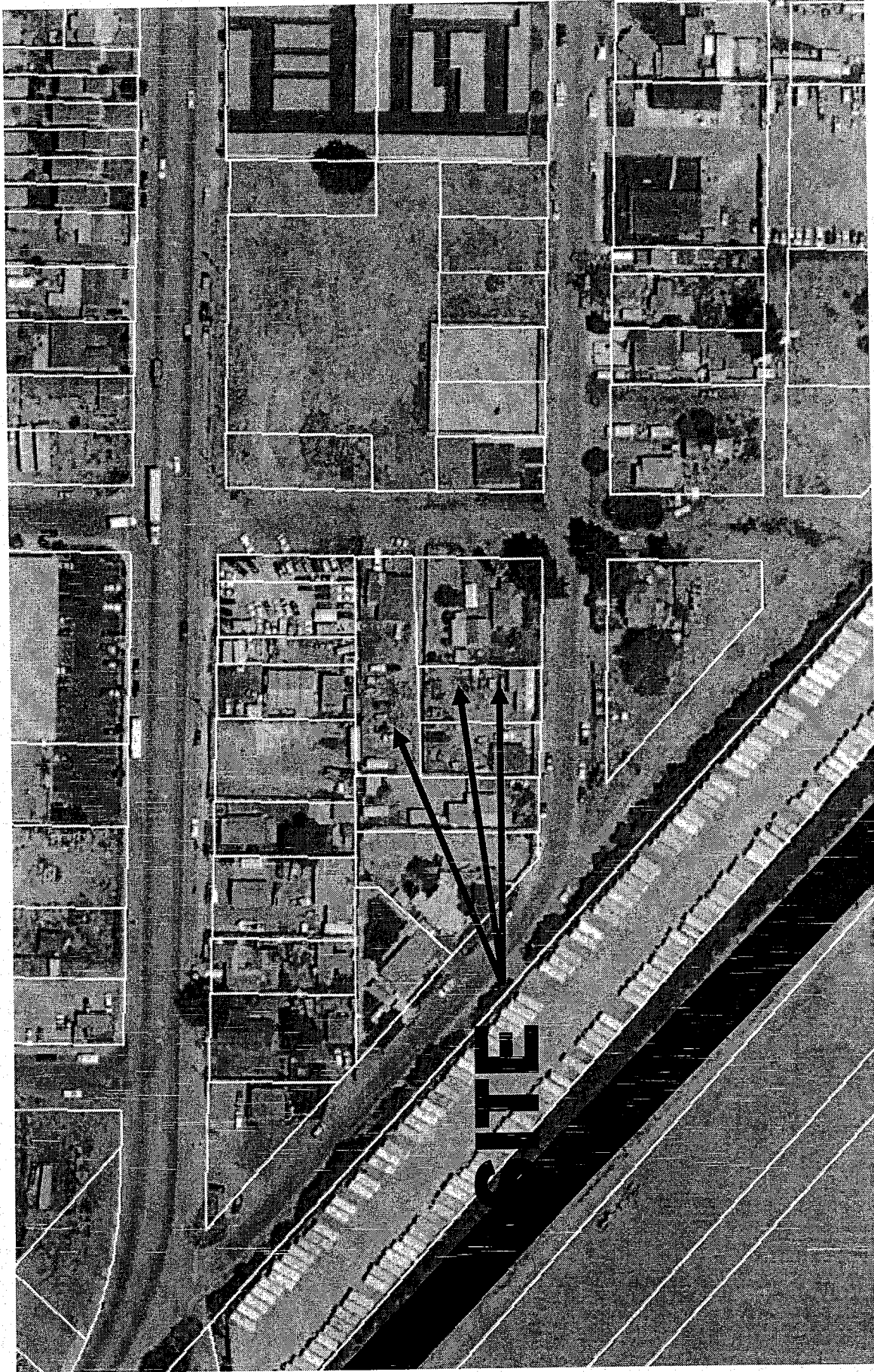


Lot Line Adjustment

EXHIBIT

Land Use Category





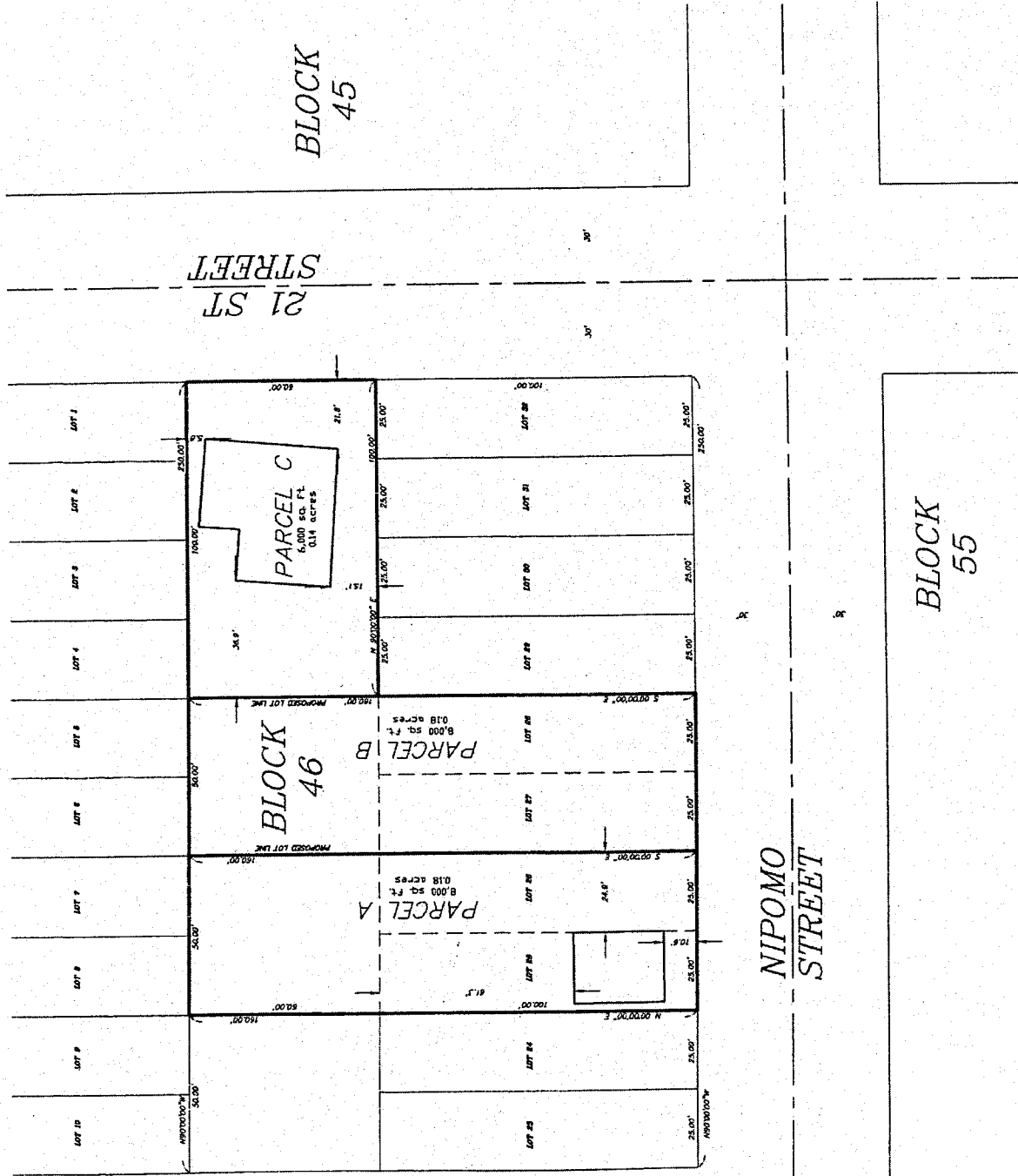
PROJECT

Lot Line Adjustment
Healy SUB2004-00357 COAL 05-0136



EXHIBIT

Aerial Photo



PROJECT

Lot Line Adjustment
Healy SUB2004-00357 COAL 05-0136

EXHIBIT

Site Plan

